

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLIANZ RISK TRANSFER AG,  
MARATHON STRUCTURED FINANCE  
FUND, LP, NEWSTAR FINANCIAL, INC.,  
and MUNICH RE CAPITAL MARKETS  
NEW YORK, INC.,

Plaintiffs,

v.

PARAMOUNT PICTURES  
CORPORATION,

Defendant.

No. 1:08-CV-10420 (TPG)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, upon the Third Amended Complaint dated February 15, 2012; the accompanying Omnibus Declaration of Patrick J. Somers dated October 7, 2014, and its exhibits; the accompanying Memorandum of Law (the “Memorandum of Law”) in Support of Defendant’s Motion *In Limine* No. 4 To Exclude Evidence of Alleged Oral Misrepresentations Not Pleaded in the Third Amended Complaint, and all other papers and proceedings in this action, Defendant Paramount Pictures Corporation (“Paramount”) will move this Court, before the Honorable Thomas P. Griesa, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 26B, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Rule 802 of the Federal Rules of Evidence, Rule 9(b) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(b), precluding Plaintiffs from introducing testimony or evidence at trial regarding alleged oral misrepresentations made by Paramount.

The basis for the motion is set forth in the Memorandum of Law and other papers Paramount is submitting on this motion.

Dated: October 7, 2014  
New York, New York

Respectfully submitted,

PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP

By: s/Allan J. Arffa  
Allan J. Arffa ([aarffa@paulweiss.com](mailto:aarffa@paulweiss.com))  
Andrew J. Ehrlich ([aehrlich@paulweiss.com](mailto:aehrlich@paulweiss.com))  
Patrick J. Somers ([psomers@paulweiss.com](mailto:psomers@paulweiss.com))

1285 Avenue of the Americas  
New York, New York 10019  
Tel: (212) 373-3000  
Fax: (212) 757-3990

KENDALL BRILL & KLIEGER LLP  
Richard B. Kendall ([rkendall@kbkfirm.com](mailto:rkendall@kbkfirm.com))  
Philip M. Kelly ([pkelly@kbkfirm.com](mailto:pkelly@kbkfirm.com))

10100 Santa Monica Boulevard, Suite 1725  
Los Angeles, California 90067  
Tel: (310) 556-2700  
Fax: (310) 556-2705

*Attorneys for Defendant Paramount Pictures Corporation*